

Notice of Allowability

Application No.

09/802,852

Examiner

Michael J Kyle

Applicant(s)

PIERMATTEI, DAVID W.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/14/04.
2. ☒ The allowed claim(s) is/are 1-8, 10-12, 16-54 and 56-75.
3. ☒ The drawings filed on 23 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>01072005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Dennis Dupray on January 6, 2005.
3. The application has been amended as follows:

Claim 1: Line 1, delete "to be", between "device" and "affixed", such that the line reads, --
A device affixed to a desired article--

Line 41, delete "[DJD4]", between "said" and "desired"

Line 43, delete "[DJD5]", between "said" and "extended"

Claim 10: Line 1, delete "to be", between "device" and "affixed", such that the line reads, --
A device affixed to a desired article--

Claim 13: delete "[DJD7]"

Claim 15: delete "[DJD8]"

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Claim 55: delete “[DJD10]”

Claim 67: Line 5, delete “[DJD13]”, between “wherein” and “at least”

Claim 71: Line 1, delete “to be”, between “device” and “affixed”, such that the line reads, --
A device affixed to a desired article—

Claim 72: Line 18 (shown as line 56 in the most recent listing of claims) , delete “[DJD17]”,
between “wherein” and “at least”

Claim 73: Line 1 (shown as line 72), delete “to be”, between “device” and “affixed”, such
that the line reads, --A device affixed to a desired article—

Line 35 (shown as line 106), delete “[DJD19]”, between “are” and “fixedly”

Line 36 (shown as line 107), delete “[DJD20]”, at the end of the line

Claim 74: Line 23 (shown as line 136 in most recent listing of claims), change “includes” to
--to include--, at the beginning of the line

Line 27 (shown as line 140 in most recent listing of claims), delete “[DJD21]”,
between “wherein and “said”.

Claim 75: Line 23 (shown as line 165 in most recent listing of claims), change “includes” to
--to include--, at the beginning of the line.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance: With respect to independent claims 1, 10, 45, 57, 70, 71, and 73, the prior art shows a device having an extended post with an aperture and a shoulder that extends through a desired article (Parsons). The prior art fails to show the combination of the device extended through the desired article where the desired article is one of jeans, a pair of pants, an overall, a fabric, a garment, clothing, a belt, a purse, an item of luggage, or a backpack. A method of attaching one or more items to a desired article when the desired article is one of the above is also not shown by the prior art. With respect to claim 72, the prior art fails to disclose a washer that fits over the extended post for assisting in securing the device to the desired article. Applicant's representative noted that a washer assists in securing the device to the desired article in the case where the desired article may become frayed, the washer prevent the extended post from retracting too far into the desired article. There would be no motivation to modify Parson in such a manner, as the opening in Parsons desired article is rigid. With respect to claims 74 and 75, the prior art fails disclose the device having a contact portion including opposed interior sides of a shoulder, where the interior sides are between first and second surfaces and substantially define an enclosure for contacting the front and back of a button of the desired article, such that the device is supported on the desired article by the button.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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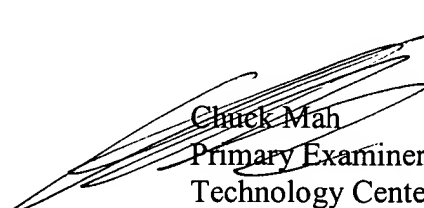
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

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Chuck Mah
Primary Examiner
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